

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE CHARTER OAK FIRE INSURANCE
COMPANY,

Plaintiff(s),

-against-

ALPHA OMEGA REALTY LLC, ALPHA
OMEGA BUILDING CONSULTING CORP.
and ANTHONY FRASCONI,

Defendant(s).

7:22-CV-00815 (KMK)

**STIPULATED ORDER FOR LIMITED
STAY OF PRE-TRIAL DISCOVERY**

Hon. KENNETH M. KARAS, United States District Court Judge.

WHEREAS, the Defendant ANTHONY FRASCONI is the defendant in the criminal prosecution of Indictment No. 2022-001 in the County Court for the County of Rockland, State of New York, filed on January 5, 2022, charging Defendant ANTHONY FRASCONI with one count of Grand Larceny in the First Degree, one count of Insurance Fraud in the First Degree, and one count of Grand Larceny in the Second Degree, under the New York State Penal Law, and the Defendant ALPHA OMEGA BUILDING CONSULTING CORP. is a corporation owned by Defendant ANTHONY FRASCONI; and

WHEREAS, the subject matter of the state prosecution of Indictment No. 2022-001 concerns allegations that the Defendant ANTHONY FRASCONI committed fraudulent insurance act(s) for the purpose of obtaining insurance coverage for the benefit of Defendant ALPHA OMEGA BUILDING CONSULTING CORP., a corporation owned by Defendant ANTHONY FRASCONI, from Travelers Insurance Company, the parent company of Plaintiff CHARTER OAK FIRE INSURANCE COMPANY, and Defendant ANTHONY FRASCONI, on the advice of Counsel, is asserting his privilege against self-incrimination under the Fifth Amendment to the Constitution; and the Court has found that the Answer to Plaintiff's Complaint in the present matter,

and the responses to Plaintiff's anticipated discovery demands could potentially be incriminating, and prejudicial to Defendant ANTHONY FRASCONI, the Court having found that good cause exists for issuance of a limited order staying the pre-trial phase of this action, as it concerns the Defendants ALPHA OMEGA BUILDING CONSULTING CORP., and ANTHONY FRASCONI, and the parties having stipulated and agreed to the following provisions, it is hereby ORDERED that any person subject to this Order, including without limitation the parties to this action, their attorneys, representatives, agents, experts and consultants, acting as such, all third parties providing discovery in this action, and all other interested persons with actual or constructive notice of this Order shall adhere to the following terms, upon pain of contempt:

Defendants' Answer or response to the Complaint

1. The requirement that Defendants ALPHA OMEGA BUILDING CONSULTING CORP. and ANTHONY FRASCONI serve an answer or otherwise respond to the Plaintiff's Complaint is hereby stayed, pending resolution of the state criminal action against defendant ANTHONY FRASCONI.

Pre-trial discovery

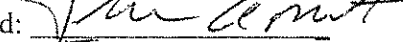
1. Pre-trial discovery from Defendants ALPHA OMEGA BUILDING CONSULTING CORP. and ANTHONY FRASCONI is hereby stayed, pending resolution of the state criminal action against defendant ANTHONY FRASCONI.
2. Pre-trial discovery demands shall not be served on Defendants ALPHA OMEGA BUILDING CONSULTING CORP. and ANTHONY FRASCONI, pending resolution of the state criminal action against defendant ANTHONY FRASCONI.
3. To the extent that Defendants ALPHA OMEGA BUILDING CONSULTING CORP. and ANTHONY FRASCONI receive demands for pre-trial discovery prior to resolution of

the state criminal action against defendant ANTHONY FRASCONI, such demands are void, and Defendants ALPHA OMEGA BUILDING CONSULTING CORP. and ANTHONY FRASCONI are not required to respond.

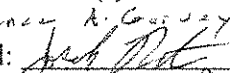
4. Third-party discovery is not stayed by this Order, and will proceed according to a schedule to be agreed upon by Counsel for the Plaintiff CHARTER OAK FIRE INSURANCE COMPANY and Counsel for the Defendants ALPHA OMEGA BUILDING CONSULTING CORP. and ANTHONY FRASCONI.
5. Counsel for the Plaintiff CHARTER OAK FIRE INSURANCE COMPANY and Counsel for the Defendants ALPHA OMEGA BUILDING CONSULTING CORP. and ANTHONY FRASCONI will submit to the Court a proposed schedule for third-party pre-trial discovery by April 29, 2022.
6. This stay does not apply to the answer, response, or discovery demands to Defendant ALPHA OMEGA REALTY LLC, said Defendant not having appeared in this matter, and not being a party to this stipulation.

SO STIPULATED.

For Plaintiff(s):

Signed: 
Name: Thomas A. Martin
Dated: April 19, 2022

For Defendant(s):

Lawrence A. Conway & Assoc.
Signed: 
Name: Joseph Rector
Dated: April 19, 2022

SO ORDERED.

Dated: _____, 2022

KENNETH M. KARAS
United States District Court Judge